

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WASHINGTON

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4  
5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

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9 14.2 ACRES OF LAND, et al.,

10 Defendant.

No. CV-04-3024-FVS

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12 ORDER GRANTING MOTION FOR  
13 JUDGMENT ON STIPULATION

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26 The above-entitled matter came on regularly for hearing this day upon the stipulation of the parties for the entry of judgment determining the just compensation to be paid for the acquisition by the plaintiff of the lands and premises designated in the Declaration of Taking filed on February 27, 2004, said lands and interests described in the Amended Schedule B attached to the Stipulation For Judgment. The stipulating defendants have appeared and submitted to the jurisdiction of the Court, have waived service of notice of hearing on this stipulation, have waived trial by jury, and have agreed that the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) constitutes full and just compensation for the acquisition of the lands designated in the Amended Schedule B of the Declaration of Taking, including all damages arising therefrom. The stipulating defendants further agree that this sum should be subject to all liens, encumbrances and charges of whatsoever nature existing

1 against the property at the time of acquisition, and that any and all  
2 awards of compensation ascertained and awarded in this proceeding and  
3 established by judgment herein in favor of any parties now or  
4 subsequently named as defendants herein should be payable and  
5 deductible therefrom. The stipulating defendants have consented to  
6 the entry of all orders, judgments, and decrees necessary and  
7 appropriate to effectuate the stipulation. The Court having  
8 considered the pleadings on file, including the stipulation and the  
9 proof in connection therewith, having found the sum below stated to be  
10 the fair market value of the acquisition of the interests in said  
11 lands and having full and complete jurisdiction of the parties and the  
12 subject matter, and being fully advised in the premises,

13       **IT IS HEREBY ORDERED:**

14       1. The plaintiff, the United States of America, had the right  
15 under the authorities set forth in the Complaint in Condemnation and  
16 the Declaration of Taking on file in this cause to condemn for public  
17 use the interests upon the lands which are the subject matter of this  
18 action, which lands and interests are described and set forth in the  
19 Amended Schedule B attached to the Stipulation for Judgment.

20       2. At the time of the institution of this action and the filing  
21 of the Declaration of Taking herein, no person, firm or private or  
22 municipal corporation had or claimed any right, title or interest  
23 whatsoever in or to said property, and there existed against the same  
24 no liens, encumbrances, taxes, assessments, claims, rights or charges  
25 of whatsoever nature, except as follows:

NAME	INTEREST
2 Larry L. Charlton 8191 Wilson Creek Road 3 Ellensburg, WA 98926	Owner
4 Marilyn Charlton 8191 Wilson Creek Road 5 Ellensburg, WA 98926	Owner
6 Hutchinson Properties, LLC c/o James O. Hutchinson, Registered Agent 7 101 Table Mountain Drive Ellensburg, WA 98926	Possible Interest
8 Kittitas Reclamation District 9 315 N. Water St. 10 Ellensburg, WA 98926	Possible Interest
11 * Kittitas Reclamation District executed and filed a Disclaimer of Interest on April 21, 2004.	
12 Kittitas County, Washington 13 c/o David B. Bowen, County Auditor 14 205 West 5th Avenue, Suite 105 Ellensburg, WA 98926	Possible Interest
15 * Kittitas County executed and filed a 16 Disclaimer of Interest on May 3, 2004.	
17 3. The sum of One Hundred Fifty Thousand Dollars 18 (\$150,000.00), inclusive of interest, is the fair market value and the 19 full amount of just compensation to be paid for the acquisition by the 20 United States of America of the lands and interests therein designated 21 in Amended Schedule B, including all damages of whatsoever nature 22 arising from said acquisition, and said sum shall constitute full 23 settlement of all claims against the United States of America 24 including for fees or expenses by reason of the institution and 25 prosecution of this action and the final award of just compensation for such acquisition.	
26 4. The sum of Twenty Nine Thousand One Hundred Dollars	

1 (\$29,100.00) was deposited by the United States of America into the  
2 registry of Court as estimated compensation on February 27, 2004.  
3 Said amount was paid to Greg McElroy, as attorney for the parties on  
4 or about July 30, 2004, pursuant to Court Order.

5 5. An additional judgment is entered against the United States  
6 of America and in favor of the stipulating defendants in the sum of  
7 One Hundred Twenty Thousand Nine Hundred Dollars (\$120,900.00). This  
8 sum shall be paid out as follows:

9 TO:

10 Larry Charlton, Marilyn Charlton and Hutchinson Properties, LLC  
11 c/o Gregory S. McElroy  
McElroy Law Firm, PLLC  
Two Union Square  
12 601 Union Street, Suite 3700  
Seattle, WA 98101

13 A Satisfaction of Judgment shall be filed once full payment has been  
14 received.

15 6. The above-named stipulating defendants are the only persons  
16 or parties having any interest in the compensation to be paid by the  
17 United States of America for the acquisition of the lands and  
18 interests therein set forth in Amended Schedule B of the Stipulation  
19 For Judgment.

20 7. The interests in the lands as set forth and described in  
21 Schedule B and Amended Schedule B vested in the United States of  
22 America on February 27, 2004, free and clear of all charges, liens,  
23 encumbrances, taxes, claims and interests of any kind or character,  
24 whatsoever.

25 8. Plaintiff's Motion for Judgment on Stipulation, **Ct. Rec. 31**,  
26 is **GRANTED**.

11

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this Order and furnish copies to counsel.

**DATED** this 2nd day of December, 2005.

s/ Fred Van Sickle  
Fred Van Sickle  
United States District Judge